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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q90558

Hiroyuki KAKINUMA, *et al.*

Appln. No.: 10/551,115 ✓

Group Art Unit: Not Yet Assigned

Confirmation No.: Not Yet Assigned

Examiner: Not Yet Assigned

Filed: September 28, 2005

For: HETEROARYL 5-THIO- β -D-GLUCOPYRANOSIDE DERIVATIVES AND
THERAPEUTIC AGENTS FOR DIABETES CONTAINING THE SAME

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

The Examiner is respectfully requested to note the following:

EP 1364958 A is the English language counterpart of WO 02/68440, which was cited in the International Search Report.

EP 1213296 A is the English language counterpart of WO 01/16147, which was cited in the International Search Report.

US 2004/0006025 A1 is the English language counterpart of WO 02/33602, which was cited in the International Search Report.

WO 03/000712 is disclosed in the specification of the subject application at page 111.

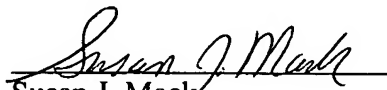
US 2005/0049203 is the U.S. national stage application of WO 03/000712 A1 and US 2004/0138143 is the U.S. national stage application of WO 04/007517 A1.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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23373

CUSTOMER NUMBER

Date: January 4, 2006

Substitute for Form 1449 A & B/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/551,115
				Confirmation Number	Not Yet Assigned
				Filing Date	September 28, 2005
				First Named Inventor	Hiroyuki KAKINUMA
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet 1	1	of	1	Attorney Docket Number	Q90558

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		Number	Kind Code ² (if known)		
		US 2004/0006025	A1	01-08-2004	Ohsumi, et al.
		US 2005/0049203	A1	03-03-2005	Nishimura, et al.
		US 2004/0138143	A1	07-15-2004	Glombik, et al.

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)			
		EP	1 364 958	A1	11-26-2003	Kissei Pharmaceutical Co., Ltd.	
		EP	1 213 296	A1	06-12-2002	Kissei Pharmaceutical Co., Ltd.	
		WO	03/000712	A1	01-03-2003	Kissei Pharmaceutical Co., Ltd.	
		WO	2004/007517	A1	01-22-2004	Aventis Pharma Deutschland GMBH	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published.	Translation ⁶

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or in the comment box of this document. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.